

REMARKS

The foregoing amendment amends Claims 1-5, 7-13 and 15-18 to clarify the claimed invention, and cancels Claims 6 and 14. Claims 1-5, 7-13 and 15-18 are currently pending in the application. For the reasons set forth below, Applicants believe that the rejections should be withdrawn and that Claims 1-5, 7-13 and 15-18 are in condition for allowance.

REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0013009 to Greening *et al.* (“Greening”) in view of U.S. Patent No. 6,112,186 to Bergh *et al.* (“Bergh”).

Introduction

As amended, the claimed invention produces a recommended item list from (1) the client identifier associated client preference estimating factor information, wherein a client preference estimating factor information map is created using (1), and (2) the client preference estimating factor information. The client preference estimating factor information (2) indicates a preference regarding a particular item and the client preference estimating factor information (2) is received by the *recommended item presentation server* from the *item provider server* along with a recommended item presentation request and a request identifier, whereas the client identifier associated client preference estimating factor information (1) is obtained separately from a *third party server*. The recommended item presentation server, the item provider server, and the third party server are *distinct*.

The client preference estimating factor information (2) indicates the preference of a client of the item provider server regarding particular items, but does not contain any information for identifying the client, such as a client identifier, so it alone cannot identify the client of the item provider server from the client preference estimating factor. The recommended item presentation server receives a recommended item request, a request identifier, and a client preference estimating factor information from the item provider, but the recommended item presentation server does not receive any information identifying the

client of the item provider server. However, when the client preference estimating factor information (2) is used in conjunction with a client preference estimating factor information map created based on the client identifier associated client preference estimating factor information (1) (as received from the distinct third party server), it is possible to identify other clients with similar preferences regarding these particular items, and from these clients with similar preferences it is possible to identify other related items preferred by these related clients which are potentially items of interest to the client of the item provider server as well.

Although, the item provider server may possess information that identifies the client, the item provider server does not provide such information to the recommended item presentation server. The claimed invention requires that the recommended item presentation server does not receive any information identifying a client, such as a client identifier, from the item provider server. When requesting a recommended item presentation the item presentation server does not provide any client identifying information, but the recommended item presentation server is capable of producing a recommended item list suitable for the client because it separately obtains (1) the client identifier associated client preference estimating factor information (from the third party server), generates a client preference estimating factor information map using (1), and uses the map in conjunction with (2) the client preference estimating factor information (from the item provider server).

Since the item provider server is only required to provide the client preference estimating factor information (2) for that client, there is no need for the item provider server to share the client identifier associated client preference estimating factor information (1) for that client, which is regarded as valuable information that the item provider server is typically reluctant to disclose to others. Furthermore, because the present invention does not require any client identifier for producing the recommended item list suitable for the requesting client, the client identifier used by the item provider server does not have to be unique or common to all servers since it is not required to be disclosed by the claimed invention. *See* [0049]-[0050] and [0025]-[0027].

The recommended item presentation server can support multiple independent item provider servers. *See* [0049]. As illustrated in Figure 1, there are three distinct servers, the client identifier associated client preference estimating factor information list providing server 1 (“third party server”), the recommended item presentation server 2 and the item provider server 3. Independent Claims 1, 9, 17 and 18 have been amended to clarify that each of the servers are distinct.

Exemplary Embodiment of the Recommended Item Presentation Method

According to one embodiment of the present invention, as illustrated in Figure 1 and the accompanying text, the recommended item presentation server 2 receives the client identifier associated client preference estimating factor information (1) from the third party server 1, and the recommended item presentation server 2 and the third party server 1 are distinct. The client identifier associated client preference estimating factor information (1) includes an association between each of a plurality of unique third party client identifiers and one or more items (*see* Fig. 4), and the third party client identifiers are defined by the third party server 1.

The third party server 1 produces the client identifier associated client preference estimating factor information (1) based on the client preference estimating factor information gathered from clients in advance. As illustrated in Figure 4, the third party server 1 creates the client identifier associated client preference estimating factor information (1) using its own defined unique third party client identifiers, wherein the third party client identifiers are associated with one or more items. For example, as shown in Figure 4, client identifier 1 is associated with item identifiers 2 and 1,000,000 (as well as others). The third party client identifiers are unique within the third party server and are not required to be unique and common to all of the servers.

According to the same embodiment, as illustrated in Figure 1, the recommend item presentation server 2 generates a client preference estimating factor information map (*see* Figs. 5 and 6) using the client identifier associated client preference estimating factor information (2), and the client preference estimating factor map includes an association

between each of a plurality of unique recommended item presentation client identifiers and one or more items. The recommended item presentation client identifiers are defined by the recommended item presentation server 2. As shown in Figures 5 and 6 client identifiers 2467 and 3987 are associated with item identifier 3. The recommended item presentation client identifiers are unique within the recommended item presentation server and are not required to be unique and common to all of the servers.

As further illustrated in Figure 1, the recommended item presentation server 2, receives a recommended item presentation request, a request identifier, and a client preference estimating factor information (2) from the item provider server 3. The recommended item presentation server 2 and the item provider server 3 are distinct. The recommended item presentation server 2 does not receive any information identifying a client of the item provider server 3, but instead the recommended item presentation server 2 receives a request identifier which identifies the particular request. The recommended item presentation request requests an identification of recommended items and the client preference estimating factor information indicates a preference regarding particular items.

The recommended item presentation server 2 produces a recommend item list according to the client preference estimating factor information map (*see* Figs. 5 and 6) and the client preference estimating factor information (similar to the information shown in Figs. 3A-3C but without the client identifiers) by using the client preference estimating factor information as a key for identifying clients in the client preference estimating factor information map who have similar preferences regarding the particular items and identifying related items preferred by the identified client which are potentially of interest to the client of the item provider server. Using the item information indicating a preference regarding particular items (as contained in the client preference estimating factor information) as a key the recommended item presentation server 2 is capable of identifying clients in the client preference estimating factor map who have similar preferences regarding the particular items and from there the recommended item presentation server is capable of identifying related

items preferred by the identified clients. The identity of the client is not needed by the recommended item presentation server to provide a recommended item list.

As shown in Figure 1, the recommended item presentation server 2 transmits the recommended item list to the item provider server 3. The recommended item list includes the request identifier and one or more of the related items.

Greening and Bergh Do Not Describe or Suggest the Claimed Invention

As described above in detail, in the claimed invention when the client preference estimating factor information is used in conjunction with the client preference estimating factor information map, it is possible to estimate other clients with similar preferences, so that it is possible to produce the recommended item list suitable for the requesting client.

As noted by the Examiner, Applicants previously stated that Greening discloses a system that predicts the interest of a user in specific items, by directly using information which identifies each client explicitly and is directly obtained from each client, similar to (1) described above. However, Greening does not describe or suggest receiving a recommended item presentation request, a request identifier, and a client preference estimating factor information of one client at a recommended item presentation server from an item provider server, wherein the recommended item presentation server and the item provider server are distinct. To the contrary, Greening describes obtaining a request from a client. Paragraphs [0050] and [0126] of Greening cited by the Examiner for allegedly disclosing receiving a request from an item provider server, do not describe or suggest any request for a presentation of recommended items without identifying the particular client. Nor does Greening describe that the *recommended item presentation server does not receive any information identifying the client of the item provider server*, since Greening describes information that identifies a specific client.

Although the Examiner admitted that Greening does not disclose without identifying the one client, the Examiner alleged that Greening discloses producing a recommended item list “by using the client preference estimating factor information as a key” for identifying clients with similar interests and related items. This limitation requires the use of the client

preference estimating factor information (2) for identifying the clients with similar interests and related items from the client preference estimating factor information map. The Office Action does not specifically cite to any sections or corresponding figures of Greening as disclosing the client preference estimating factor information, wherein the client preference estimating factor information indicates a preference regarding particular items. The Examiner's allegation that Greening discloses this limitation is contradictory to the Office Action's implicit admission that Greening does not disclose (2) the client preference estimating factor information. Since Greening does not disclose (2), Greening cannot be properly relied upon to disclose the above described limitation, wherein (2) is used as a key for obtaining clients with similar interests and related items from the client preference estimating factor information map.

Although the Examiner admitted that Greening does not disclose without identifying the requesting client, the Examiner alleged that Bergh discloses not identifying the client. The cited sections of Bergh disclose the use of flags to enable or disable the transmission of data from a central server. For example, Bergh describes using a "0" to indicate that data should not be transmitted and a "1" to indicate that data should be transmitted. The Examiner alleged that Bergh describes that a user may allow the transmission of preference data, but not demographic data and concluded that "Bergh discloses that user preferences can be utilized for recommendations even if user demographic or identifying information is not known." The cited sections of Bergh do not disclose how preference data alone can produce a recommended item list using information from multiple users. Bergh recognizes that if a user desires a high degree of privacy, then the nodes are unable to make recommendations to the user because the nodes do not have access to the user's preference data stored on the central server. Column 32, lines 2-8.

Thus, even if Greening and Bergh are combined, the combination only provides a system that allows a user to decide whether to receive a recommendation. If the user allows its information to be transmitted, then the combined system can predict the interest of a user in specific items, by directly using information which identifies each client and is directly

obtained from each client or that does not, as described by Greening. If the user does not allow its information to be transmitted, then it does not receive a recommendation, as described by Bergh. The combination does not describe or suggest receiving (1) the client identifier associated client preference estimating factor information from a distinct third party server and (2) the client preference estimating factor information from the distinct item presentation server, along with a recommended item presentation request and a request identifier, wherein the recommend item presentation server does not receive any information identifying the client, and using (1) to generate a client preference estimating factor information map, and using the client preference estimating factor map and (2) to produce a recommended item list, as recited by amended independent Claims 1, 9, 17 and 18. In the claimed invention, a plurality of clients are identified using identifiers created by the third party server in connection with the above described (1) the client identifier associated client preference estimating factor information, while at the same time the clients are not identified in terms of the above described (2) the client preference estimating factor information. The present invention enables the distinct item provider server to make the recommended item presentation request without identifying the client of the item provider server, and yet the recommended item list provided in response to the anonymous request is a list that is suitable for a particular client as if it is a recommended item presentation list for an identified client.

The subject matter of cancelled Claims 6 and 14 have been incorporated into amended independent Claims 1 and 9, respectively. Dependent Claims 4-5, 7, 8, 10-13, 15 and 16 further define the invention and are patentable for at least the same reasons as the independent claims. In particular, Claims 7 and 8 recite additional details regarding producing the recommended item list. The Examiner rejected Claims 7 and 8 by making further reference to Greening. Since Greening does not disclose (2), Greening cannot be properly relied upon to reject claims that further define using (2).

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799. The Commissioner is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,

/Brenda O. Holmes/

By: Brenda O. Holmes
Reg. No. 40,339

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555
Docket No.: 44471/269115
Date: January 2, 2009